

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDRES NAJERA, MARIO AVILA and ELPIDIO
MUNGUIA, individually and on behalf of all others similarly
situated,

Civil Docket No.:
22-cv-01051 (RPK)(LB)

Plaintiff,
-against-

**REQUEST FOR
CERTIFICATE OF DEFAULT**

SR MANGO HOUSE INC., SHOAIBUR RAHMAN,
SAVITA SINGH, and ANTHONY SINGH, as individuals,

Defendants.

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**TO: BRENNNA B. MAHONEY
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Please enter the default of the Defendants, SAVITA SINGH, and ANTHONY SINGH, as individuals, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action, as fully appears from the court file herein, and from the attached affirmation of Avraham Y. Scher, Esq.

Dated: Kew Gardens, New York
November 21, 2022

Avraham Y. Scher
Avraham Y. Scher, Esq.
Helen F. Dalton & Associates, P.C.
Attorneys for Plaintiffs
80-02 Kew Gardens Road, Suite 601
Kew Gardens, New York 11415
Tel.: (718) 263-9591
Email: avi@helendalton.com

UNITED STATES DISTRICT COURT
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ANDRES NAJERA, MARIO AVILA and ELPIDIO
MUNGUIA, individually and on behalf of all others similarly
situated,

Civil Docket No.:
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Plaintiffs,

-against-

SR MANGO HOUSE INC., SHOAIBUR RAHMAN,
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Defendants.

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**AFFIRMATION IN SUPPORT
OF REQUEST FOR
CERTIFICATE OF DEFAULT**

Avraham Y. Scher, Esq., hereby declares as follows:

1. I am the attorney for the Plaintiffs, ANDRES NAJERA, MARIO AVILA and ELPIDIO MUNGUIA, individually and on behalf of all others similarly situated (“Plaintiffs”) in this action.

2. This action was commenced pursuant to Plaintiffs’ filing of the Summons and collective action Complaint on February 28, 2022. See Dkt. No. 1.

3. On September 28, 2022, Plaintiffs filed their Amended Complaint against SR MANGO HOUSE INC., SHOAIBUR RAHMAN, SAVITA SINGH, and ANTHONY SINGH, as individuals. See Dkt. No. 24.

4. According to the Affidavits of Service filed on the Court’s docket, Defendants, SAVITA SINGH, and ANTHONY SINGH, as individuals, were both served with process via personal service on October 21, 2022, by personal delivery of Plaintiffs’ Summons and Amended Complaint to individual defendant, SAVITA SINGH, of suitable age and discretion, who provided verbal confirmation that he or she is authorized to accept by appointment or law to receive service on behalf of the defendants. Proof of service was therefore filed on October 25, 2022. See Dkt. Nos. 27 ; 27-1.

5. The Defendants, SR MANGO HOUSE INC., SHOAIBUR RAHMAN, interposed an Answer to Plaintiffs' Summons and Amended Complaint on November 8, 2022. *See* Dkt. No. 28.

6. However, the time for Defendants, SAVITA SINGH, and ANTHONY SINGH, as individuals, to answer or otherwise move with respect to the Amended Complaint herein has expired, without any extension request being made.

7. The individual Defendant ANTHONY SINGH was also effectuated with service via follow-up mailing on October 24, 2022 as well, via United States First-Class Mailing to the usual business address of the Defendants.

8. The Defendants, SAVITA SINGH and ANTHONY SINGH, as individuals, were therefore required to appear, interpose an answer, retain counsel, or otherwise defend in this matter, by November 11, 2022, and to date, have both failed to do so.

9. To date, SAVITA SINGH and ANTHONY SINGH, as individuals have failed to respond, appear, or otherwise defend in this matter, and the time for Defendants to answer or otherwise move has not been extended.

10. Defendant, SAVITA SINGH, as an individual, is neither an infant nor incompetent; SAVITA SINGH, as an individual, is the adult, competent owner of the corporate defendant entity sued herein.

11. Defendant, SAVITA SINGH, as an individual, is not presently in the military service of the United States, as appears from facts in this litigation.

12. Defendant, ANTHONY SINGH, as an individual, is neither an infant nor incompetent; ANTHONY SINGH, as an individual, is the adult, competent owner of the corporate defendant entity sued herein.

13. Defendant, ANTHONY SINGH, as an individual, is not presently in the military service of the United States, as appears from facts in this litigation.

WHEREFORE, the Plaintiffs respectfully requests that the default of the Defendants, SAVITA SINGH, and ANTHONY SINGH, as individuals, be noted, and certificates of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to Plaintiffs, and that no part thereof has been paid by any of the Defendants.

Dated: Kew Gardens, New York
November 21, 2022

Avraham Y. Scher
Avraham Y. Scher, Esq.
Helen F. Dalton & Associates, P.C.
Attorneys for Plaintiffs
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Plaintiff,

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SR MANGO HOUSE INC., SHOAIBUR RAHMAN,
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CERTIFICATE OF DEFAULT

Defendants.

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I, Brenna B. Mahoney, Clerk of Court of the United States District Court for the
Eastern District of New York, do hereby certify that the Defendants, SAVITA SINGH
and ANTHONY SINGH, as individuals, have not filed an answer or otherwise moved
with respect to the Amended Complaint herein. The default of Defendants SAVITA
SINGH and ANTHONY SINGH, as individuals, are hereby noted pursuant to Rule 55(a)
of the Federal Rules of Civil Procedure.

Dated: Kew Gardens, New York

November _____, 2022

BRENNNA B. MAHONEY, Clerk of Court

By: _____
Deputy Clerk